



**SUBMISSION**

**TO**

**THE SENATE STANDING COMMITTEES  
ON ENVIRONMENT AND COMMUNICATIONS**

**IN SUPPORT OF**

**COMPETITION AND CONSUMER AMENDMENT  
(PREVENTION OF EXPLOITATION OF  
INDIGENOUS CULTURAL EXPRESSIONS) BILL 2019**

**FROM**

**THE AUCTIONEERS AND VALUERS ASSOCIATION  
OF AUSTRALIA, INC. (AVAA)**

**LEVEL 2, 65-71 BELMORE ROAD  
RANDWICK NSW 2031**

**14 AUGUST 2019**

**[ 2 pages ]**



## **EXECUTIVE SUMMARY**

The Auctioneers and Valuers Association of Australia (AVAA) is Australia's peak body for auctioneers and valuers of fine art, antiques, material cultural heritage and collectable items, and for auctioneers and valuers of plant, equipment, goods and chattels.

For further information please see: <https://avaa.com.au/>

The AVAA supports the proposed bill to amend the *Competition and Consumer Act 2010*

“to make it an offence to supply or offer commercial goods to a consumer that include Indigenous cultural expression unless supplied by, or in accordance with a transparent arrangement with, an Indigenous artist or relevant Indigenous community.”

## **BACKGROUND INFORMATION ON AVAA SUBMISSION**

The AVAA would like to make it clear that our members' activities fall outside the commercial retail sector and individual members would not likely be directly affected by this bill.

The Board of the AVAA has, however, been following the issue of fake artifacts being sold as the product of Australian Aboriginal peoples over the course of the ACAA investigation into Birubi Arts, and their subsequent successful prosecution.

Birubi Arts were found to be importing tourist craft items from Indonesia and Vietnam and selling them as authentic Aboriginal made, decorated in supposed Aboriginal designs.

<https://www.accc.gov.au/media-release/23m-penalty-for-fake-indigenous-australian-art>  
(accessed 12 August 2019)

## **AVAA SUPPORT FOR THE BILL**

The AVAA supports the bill in principle as a measure designed to protect against the sale of fake Aboriginal-made items, and more broadly, the misappropriation of Indigenous traditional cultural rights, both of which lead to cultural harm and loss of economic opportunity.

The AVAA is aware that current IP protections for communal Indigenous designs are not offered under Australian copyright law, and we see this bill as also offering a step toward protections in this area.

We are also aware that three national organisations – the Indigenous Art Code, Arts Law Centre of Australia and Copyright Agency – are pushing for similar protections, and we echo their concerns relayed in this following recent article:

<https://nit.com.au/no-law-says-you-cant-sell-fake-indigenous-art/>  
(accessed 12 August 2019)

**Prepared by Jane Raffan, Vice President, AVAA**

## **END OF SUBMISSION**